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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 RICHARD W. MARTIN, Case No. 3:15-cv-00036-RCJ-WGC  
10 v. Petitioner,  
11 ISIDRO BACA, et al., ORDER  
12 Respondents.  
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14 On August 23, 2016, this court granted in part respondents' motion to dismiss  
15 petitioner Richard W. Martin's *pro se* petition for writ of habeas corpus under 28 U.S.C.  
16 § 2254 (ECF No. 42). Pursuant to this court's order, Martin had thirty (30) days to  
17 either: (1) inform this court in a sworn declaration that he wished to formally and forever  
18 abandon the unexhausted grounds for relief in his federal habeas petition and proceed  
19 on the exhausted grounds; OR (2) inform this court in a sworn declaration that he  
20 wished to dismiss this petition without prejudice in order to return to state court to  
21 exhaust his unexhausted claims; OR (3) file a motion for a stay and abeyance, asking  
22 this court to hold his exhausted claims in abeyance while he returned to state court to  
23 exhaust his unexhausted claims. *Id.* The court expressly stated in that order that failure  
24 to respond to the order may result in the dismissal of this action. *Id.*

25 The order was served on Martin via the U.S. Postal Service at his address of  
26 record, but was returned as undeliverable (see ECF Nos. 39, 43). Far more than the  
27 allotted time has passed, and Martin has not updated his address or responded to the  
court's order with respect to the motion to dismiss. Accordingly, this habeas petition is

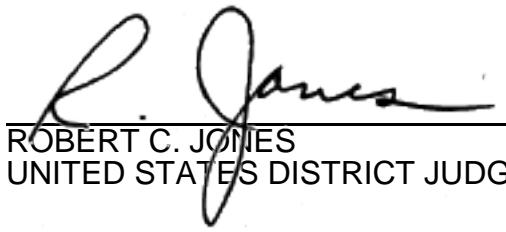
1 dismissed for petitioner's failure to update his address and for his failure to respond to  
2 the court's order dated August 23, 2016.  
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4 **IT IS THEREFORE ORDERED** that this habeas petition is **DISMISSED** as set  
5 forth in this order.  
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7 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.  
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9 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and  
10 close this case.  
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12 DATED: This 22<sup>nd</sup> day of May, 2017.  
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15 ROBERT C. JONES  
16 UNITED STATES DISTRICT JUDGE  
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